

Claims 35-44 and 46-48 stand rejected under 35 U.S.C. §103(a) for obviousness over Hasegawa and Baldwin. Claims 45 and 49 stand rejected under obviousness-type double patenting over claims 24, 45 and 59 of U.S. Patent No. 6,192,222 in view of Hasegawa and Baldwin. Claims 42-49 stand rejected under 35 U.S.C. §112, first paragraph.

Applicants respectfully traverse the rejections and urge allowance of the present application.

Referring initially to claim 14, the interrogator of the backscatter communication system comprises, in part, a transmitter configured to output a *local continuous wave signal* and a *radio frequency continuous wave signal*, and a receiver configured to receive the *local continuous wave signal* and a *modulated radio frequency continuous wave signal*, the receiver including a phase adjuster, a phase shifter and a coupler. Claim 14 recites patentable subject matter.

Applicants have electronically searched Hasegawa and have failed to uncover any continuous wave signal teachings let alone a transmitter outputting and a receiver receiving local continuous wave signals and radio frequency continuous wave signals or a coupler combining an adjusted continuous wave signal and a modulated radio frequency continuous wave signal as recited in claim 14. *The simulated signal of Hasegawa fails to disclose or suggest the claimed continuous wave signal. Applicants submit a copy of a dictionary definition for "continuous wave" herewith.*

In addition, page 14 of the originally filed application describes exemplary aspects, and defines, in one embodiment, that interrogator 26 sends out a command that is spread around a certain center frequency (e.g, 2.44 GHz). After the interrogator transmits the

command, and is expecting a response, the interrogator switches to a continuous wave (CW) mode for backscatter communications. In the continuous wave mode, interrogator 26 does not transmit any information. Instead, the interrogator just transmits a radio frequency continuous wave signal. In the described embodiment, the continuous wave signal comprises a radio frequency 2.44 GHz carrier signal. In other words, the continuous wave signal transmitted by interrogator 26 is not modulated. After communication device 12 receives the forward link communication from interrogator 26, communication device 12 processes the command.

The simulated signal of Hasegawa fails to disclose or suggest the claimed continuous wave signals of claim 14. Claim 14 recites numerous limitations not shown nor suggested in the prior art of record and the rejection of claims 14-20 and 42-45 is improper for at least this reason. Applicants respectfully request withdrawal of the rejection of claim 14.

The claims which depend from independent claim 14 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Independent claim 35 recites a method of operating a coherent interrogator of a backscatter communication system comprising, in part, outputting a *radio frequency continuous wave signal*, providing a *local continuous wave signal*, receiving a *modulated continuous wave signal*, adjusting the phase of the *local continuous wave signal* to provide an *adjusted continuous wave signal*, and combining the adjusted continuous wave signal and the *modulated continuous wave signal*. Claim 35 recites patentable subject matter over the prior art of record.

The simulated signal of Hasegawa fails to disclose or suggest the continuous wave signals of claim 35. Positively-recited limitations of claim 35 are not shown nor suggested by the prior art and claim 35 is allowable for at least this reason.

The claims which depend from independent claim 35 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

During the interview, the Examiner acknowledged support for claims 42-49 in the originally filed application and indicated that the rejections under 35 U.S.C. §112, first paragraph would be withdrawn.

Applicants submit herewith a Terminal Disclaimer and respectfully request withdrawal of the obviousness-type double patenting rejections.

Applicants respectfully request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: \_\_\_\_\_

1/27/03

By: \_\_\_\_\_



James P. Shaurette  
Reg. No. 39,833